

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO
TRUCKING LLC,

Defendants.

Case No.

3:17-cv-00939-WHA

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
VIDEOTAPED DEPOSITION OF GARY T. BROWN
San Francisco, California
Friday, March 24, 2017
Volume I

Reported by: SUZANNE F. GUDELJ

CSR No. 5111

Job No. 2577644

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1 other Uber employee who may have taken information
2 from Google?

3 MR. HOLMES: Same instruction. To the
4 extent that he's asking about anybody other than the
5 three individuals identified in your declaration, 12:31:47
6 which is why we're here, I'm instructing you not to
7 answer.

8 MR. GONZALEZ: Okay. We're here for more
9 than just that.

10 BY MR. GONZALEZ: 12:32:17

11 Q With respect to Mr. Raduta and the three
12 documents that you identify in paragraph 29, those
13 three documents were exported to his company
14 computer, right?

15 A I'm uncertain. 12:32:42

16 Q You don't have any reason to dispute that,
17 do you?

18 MR. HOLMES: Objection to form.

19 THE WITNESS: Not currently.

20 BY MR. GONZALEZ: 12:33:00

21 Q Is there some ongoing work that you're
22 doing to try to figure that part out?

23 MR. HOLMES: Objection. You don't have to
24 answer that. That's attorney work product.

25 BY MR. GONZALEZ: 12:33:10

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1 Q Is there a way to figure that out?

2 MR. HOLMES: Objection to form.

3 THE WITNESS: Possibly.

4 BY MR. GONZALEZ:

5 Q What way would that be? 12:33:25

6 A Some ways include forensic analysis of the
7 hard drive; correlation of logs that contain a
8 machine certificate with these logs and looking for
9 similar device fingerprints.

10 Q Have you done any of that analysis for 12:34:02
11 these three documents?

12 MR. HOLMES: Objection. Calls for attorney
13 work product. I instruct you not to answer.

14 MR. GONZALEZ: Wow. Okay.

15 MR. HOLMES: All right. Look -- 12:34:12

16 MR. GONZALEZ: All right. I get it. We're
17 going to move to strike this stuff. I'm just going
18 to tell you, we're going to file an administrative
19 motion to strike all of these allegations because
20 you're instructing him not to answer questions that 12:34:23
21 go right to the heart of what's in his declaration.
22 You cannot do that. You can't use a privilege as a
23 sword and a shield. I mean --

24 MR. HOLMES: If you want to -- listen, I'll
25 let you -- I'll let you -- I'll let you ask that 12:34:33

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1 last question, and I'll let him answer that last
2 question 'cause that goes -- you're right. I don't
3 disagree that that goes to the analysis in his
4 declaration.

5 MR. GONZALEZ: That's what I'm trying to 12:34:42
6 focus on.

7 MR. HOLMES: My apologies. I'll withdraw
8 that -- that last instruction, and you can ask
9 him --

10 MR. GONZALEZ: All right.

11 MR. HOLMES: -- specific because that
12 relates to this declaration.

13 MR. GONZALEZ: Exactly.

14 BY MR. GONZALEZ:

15 Q The analysis that you just mentioned, have 12:34:50
16 you done that analysis with respect to these three
17 devices in paragraph 29?

18 A Yes.

19 Q What did you find?

20 A Some of them -- not exhaustively. My 12:35:05
21 existing analysis suggests it was downloaded on the
22 work laptop.

23 Q Do you have any basis for believing that
24 Mr. Raduta downloaded that information to anything
25 other than his work laptop? 12:35:26

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

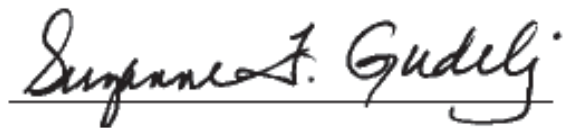
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a record
8 of the proceedings was made by me using machine
9 shorthand which was thereafter transcribed under my
10 direction; that the foregoing transcript is a true
11 record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further, certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: 3/27/17

22 
23

SUZANNE F. GUDELJ

24 CSR No. 5111
25